IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

FRIDAY, THE 22ND JUNE 2007 / 1ST ASHADHA 1929

OP.No. 11795 of 2000(D)

PETITIONER:

K.V.MATHAI, S/O. K.M.VARKEY,
AGED 56 YEARS, HEADMASTER (RETD.)
KARAKKUNNEL, KALLOORKAD.

BY ADV. SRI.V.A.MUHAMMED
SRI.K.E.HAMZA

RESPONDENTS:
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1. **THE SECRETARY TO GOVERNMENT,**
   GENERAL EDUCATION DEPARTMENT,
   SECRETARIAT, THIRUVANANTHAPURAM.

2. **THE DEPUTY DIRECTOR OF EDUCATION, ERNAKULAM.**

3. **THE DISTRICT EDUCATIONAL OFFICER,**
   MUVATTUPUZHA.

4. **THE ACCOUNTANT GENERAL (A&E), KERALA, TRIVANDRUM.**

BY GOVERNMENT PLEADER SMT.T.B.RAMANI

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 22/ 06 /2007 , THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON CMP. NOS.19310/2000, 13804/2003 IN OP.11795/2000

DIMSISSED

22.06.2007 SD/- THOTTATHIL B.RADHAKRISHNAN, JUDGE

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE AUDIT OBJECTION OF THE 4TH RESPONDENT.

EXT.P2:- COPY OF THE ORDER NO.B2-5262/99/K.DIS OF THE 3RD RESPONDENT DT. 11/1999 (SIGNED ON 12.1.2000).

EXT.P3:- COPY OF THE JUDGMENT IN OP. NO.1049/95 OF THIS HONOURABLE COURT.

EXT.P4:- COPY OF THE G.O.(P) NO.399/99/(178)/FIN OF THE GOVERNMENT.

EXT.P5:- COPY OF THE JUDGMENT OF THIS HONOURABLE COURT IN OP. NO.20280/2001.

EXT.P6:- COPY OF THE DECISION REPORTED IN 2006 (1) K.L.J. 566.

/TRUE COPY/

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Thottathil B. Radhakrishnan, J.

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O.P.No.11795 of 2000

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Dated this the 22nd day of June, 2007.

JUDGMENT

In view of the option exercised by the petitioner, the effect of which is to be governed by law laid by this Court in Exts.P5 and P6 judgments, the audit objection, Ext.P1, requires to be considered by the Deputy Director in the light of the date of effect of re-option on the basis of the said judgments. On this being done, there would be no other ground to continue to sustain the audit objection. In the circumstances, this writ petition is disposed of directing that the second respondent will take up any objection to Ext.P1 that the petitioner may place along with a copy of this judgment and a copy of Exts.P5 and P6 judgments and decisions of this Court, as also of the Apex Court. Such decision shall be taken within a period of two months from the date of receipt of such materials, as stated above.

Thottathil B.Radhakrishnan,
Judge.

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Thottathil B. Radhakrishnan, J.

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O.P.No.11795 of 2000

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JUDGMENT

Dated:22-6-2007